

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JONATHAN RIVERA-PIEROLA,)	
)	
Plaintiff,)	
v.)	Civil Action No.: CIV-21-616-PRW
)	
BOARD OF REGENTS FOR THE)	
OKLAHOMA AGRICULTRUAL AND)	
MECHANICAL COLLEGES; STATE OF)	
OKLAHOMA <i>ex rel.</i> OKLAHOMA STATE)	
UNIVERSITY; and ST. MATTHEWS)	
UNIVERSITY,)	
)	
Defendants.)	

JOINT MOTION TO AMEND CASE CAPTION

Defendant, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (hereinafter, “Defendant” or the “Board”), and Plaintiff, Jonathan Rivera-Pierola (hereinafter, “Plaintiff”), hereby jointly move the Court to amend the caption in this matter, as it does not accurately reflect the proper parties to this litigation. Accordingly, the caption should now read:

JONATHAN RIVERA-PIEROLA,)	
)	
Plaintiff,)	
v.)	Civil Action No.: CIV-21-616-PRW
)	
BOARD OF REGENTS FOR THE)	
OKLAHOMA AGRICULTRUAL AND)	
MECHANICAL COLLEGES, ACTING)	
FOR AND ON BEHALF OF OKLAHOMA)	
STATE UNIVERSITY,)	
)	
Defendant.)	

ARGUMENT

Federal Rule of Civil Procedure 10 states that “[e]very pleading must have a caption with the court’s name, a title, a file number, and a Rule 7(a) designation. The title of the complaint *must name all the parties*.” Fed. R. Civ. P. 10(a) (emphasis added). Plaintiff, in an attempt to ensure he had named all the appropriate defendants, incorrectly designated two (2) separate and distinct defendants in the Complaint as “Board of Regents for the Oklahoma Agricultural and Mechanical Colleges” and “State of Oklahoma *ex rel.* Oklahoma State University” *See* Dkt. No.1. As discovery in this matter has concluded and the parties have conferred, it is agreed that the Board is the proper defendant in this lawsuit, as it is vested, under the Oklahoma Constitution and other applicable Oklahoma law, with the exclusive authority to oversee, manage, and govern the operations of the agricultural and mechanical colleges of the State of Oklahoma, including Oklahoma State University. 70 O.S. § 3412. Further, pursuant to the Court’s Order, St. Matthews University was dismissed from this case on May 13, 2022. *See* Dkt. No. 25.

Therefore, the current caption does not accurately reflect the parties to this case. The parties are in agreement that as the proceedings in this matter are still ongoing, amending the case caption will alleviate the possibility of confusion down the road concerning the parties. In agreeing to do so, Plaintiff expressly reserves the right to appeal the Court’s dismissal of St. Matthew’s University as a party to this action. Additionally, the parties agree that should the Court grant this Joint Motion to Amend Case Caption, it will have no bearing on Defendants’ pending Motion for Summary Judgment.

CONCLUSION

WHEREFORE, Defendant and Plaintiff respectfully request that the Court grant their Joint Motion to Amend Case Caption and enter an Order amending the caption to this case.

Submitted this 2nd day of October 2023.

/s/ Jason J. Bach

Jason J. Bach

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